

UNITED STATES DISTRICT COURT

for the
District of New MexicoUnited States of America
v.Tyler Philip HORKEY
Jordan Rochelle JANOV

Case No:

19mj 412

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of February 11, 2019 in the county of Hidalgo in the State and District of New Mexico, the defendant violated 8 U.S.C. §1324(a)(1)(A)(v)(I)(Conspiracy to Violate 1324 - All subsections), an offense described as follows:

Knowingly, intentionally, and unlawfully conspired, combined, confederated and agreed with others known and unknown, to commit offenses against the United States, namely: to transport, move, and attempt to transport and move an alien within the United States by means of transportation and otherwise

This criminal complaint is based on these facts:

On February 11, 2019, A Border Patrol Agent (BPA) was assigned to Forward Operating Base (FOB) Bounds Area of Responsibility (AOR). At approximately 12:45 p.m. The BPA was stationary at the 16 mile marker of New Mexico State Highway 81 when he observed a white Jeep Laredo displaying an Arizona License Plate traveling south bound on New Mexico State Highway 81. The BPA could only see the first four digits of the plate as it passed his/her location, Arizona CKS8. He/She took notice of this fact, in order to correctly identify this one vehicle in case it loaded out with illegal aliens and attempted to transport them in furtherance into the United States.

☒ Continued on the attached sheet.

Complainant's signature

Francisco Fernandez, Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: February 13, 2019

City and state: Las Cruces, N.M.

Judge's signature

GREGORY B. WORMUTH
U.S. MAGISTRATE JUDGE

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

Tyler Philip HORKEY
Lordsburg Border Patrol Station

Continuation of Statement of Facts:

This area of the New Mexico boot heel is best described by New Mexico Highway 81 heading south to Antelope Wells Port of Entry. It is the only route of egress from this sparsely populated and remote area. There are a few ranches in this area, but no commercial activity except for a half dozen transport vehicles that come through the port of entry. The Jeep Laredo that the BPA observed traveling south with Arizona plates is not a vehicle that he/she had observed belonging to a local citizen. This route of travel is a notorious thoroughfare utilized by smuggling organizations to further illegal aliens into the United States. Agents of the Lordsburg Station have previously made numerous apprehensions of illegal alien loads in this area.

At approximately 1:05 p.m., he/she drove south on New Mexico State Highway 81 to see if he/she could spot the vehicle again. He/She saw the white Jeep Laredo stopped on the side of the road around the 8 mile marker, now facing north. BPA passed the white Jeep Laredo, he/she went to the 6 mile marker and waited for approximately 5 to 10 minutes to appear as if he/she had not taken notice. He/She then proceeded to head north to the 17.5 mile marker, to wait and see if they had loaded out illegal aliens attempting to leave the vicinity of the border area.

The BPA passed the 8 mile marker, he/she noticed that the white Jeep was still in the same spot. But now, he/she could see that the driver, a female was actually in the company of one more subject, a male that attempted to look as if he was using a cell phone, but there is no cell phone signal at this location so his/her suspicion increased. BPA continued north to wait for the vehicle if it attempted to leave the area.

At approximately 1:30 pm, he/she observed the Jeep Laredo traveling north bound near the 20 mile marker of New Mexico State Highway 81. BPA saw the driver and the front seat passenger making what appeared to him/her, motions with their hands as if telling people in the backseat to lay down, and indeed, BPA saw people in the back of the Jeep laying on top of something attempting to conceal themselves. The driver immediately dropped her/his speed from about 60 miles an hour to approximately 30 miles an hour as the agent tried to read her license plate.

BPA ran record checks through El Paso Sector radio on Arizona license plate CKS 8330. These record checks came back not for highway use and the vehicle did not match the description given by El Paso Sector radio. The plates belonged to a Ford, not a Jeep Laredo. In his/her experience, he/she have seen fake or invalid license tags on vehicles used in human smuggling schemes in the Lordsburg AOR.

BPA conducted a vehicle stop by activating his/her emergency equipment and the Jeep Laredo stopped at the 27 mile marker on New Mexico State Highway 81 at approximately 1:45 pm. The Agent approached the vehicle. He/She asked the driver to roll down all of the windows, BPA was able to see six subjects wearing dirty military type camouflage laying down in the backseat. This type of clothing is commonly used by illegal aliens in an attempt to conceal themselves as they walk across the border. The backseat was folded down so that the subjects could lay down in an attempt to conceal themselves. Normally people are not found in this position, when a vehicle has functional seats. Occupants in a vehicle normally sit upright with their seatbelts on and facing forward and do not lay down.

The driver of the vehicle stated that she/he was a United States citizen. The front seat passenger stated that he was United States citizen. The six subjects laying down in the back of the Jeep were questioned as to their citizenship. All rear occupants in the vehicle freely admitted to being citizens of Mexico illegally present in the United States. The front seat passenger had a meth pipe in his waistband and more paraphilia and drug residue at his feet.

BPA placed all subjects under arrest due to his suspicion that he/she was observing a human smuggling scheme. All subjects were transported to the Lordsburg Border Patrol Station for further questioning and processing at approximately 2:45 pm.

During search incident to arrest, several knives, a bb gun, a loaded flare gun, what seems to be a fake 100 dollar bill, drug

paraphernalia and residue were found in the vehicle.

Passenger Statement

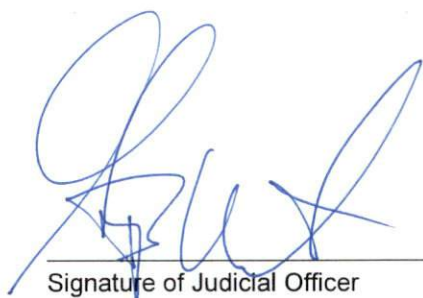
On February 11, 2019, (ASU) Agent 1 and (ASU) Agent 2 of the Lordsburg, New Mexico Border Patrol Station's Anti-Smuggling Unit (ASU) conducted a post Miranda custodial interview with Tyler Philip HORKEY. Prior to questioning HORKEY, he was advised of his rights via Government Form I-214 and he signed acknowledging that he understood his rights and was willing to answer questions without the presence of an attorney. No promises or threats and no pressure or coercion of any kind has been made. HORKEY was willing to discuss the circumstances of his current apprehension. HORKEY stated that he met a subject by the name of Izzy and offer him a job to pick up illegal aliens. HORKEY stated that Izzy offered him \$3,500 to transport the subjects to Albuquerque, New Mexico. HORKEY stated that on today's date 02/11/2019, at approximately 2:00 a.m. he was picked up by a male subject at his mother's residence in Tucson, AZ. HORKEY stated that Izzy gave him a Jeep Cherokee filled with gasoline and \$20.00 so they could buy snacks. HORKEY stated that he used a GPS to get to New Mexico Highway 81. HORKEY stated that he was instructed to drive south on NM Highway 81, pass Mile Marker 8 and then make a U-turn at Mile Marker 6 and return to Mile Marker 8. HORKEY stated that he had to do this twice because he did not see anyone near the street. HORKEY stated that on the second time he stopped on the side of the road at Mile Marker 8, he waited for a few minutes and six subjects got into his vehicle. HORKEY advised the subjects to get down so they would not be seen from the outside. HORKEY stated that he knew that the six subjects were in the United States illegally when they got into the vehicle.

MAT/WIT

On February 11, 2019, (ASU) Agent 1 and (ASU) Agent 2 of the Lordsburg, New Mexico Border Patrol Station's Anti-Smuggling Unit (ASU), conducted a post Miranda custodial interview with Material Witness. Prior to questioning Material the Witness, he was advised of his/her rights via Government Form I-214 and he/she signed acknowledging that he/she understood his/her rights and was willing to answer questions without the presence of an attorney. No promises or threats and no pressure or coercion of any kind has been made. Material Witness was willing to discuss the circumstances of his/her current apprehension.

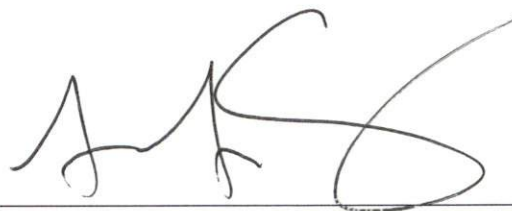
Material Witness stated that he/she crossed the United States and Mexico border on 02/11/2019 at approximately 10:00 a.m. Material Witness stated that he/she crossed with a group of four other subjects. Material Witness stated that one of the subjects in the group was a friend of his and that he was going to give him/her a truck for payment to get to Phoenix, Arizona. Material Witness stated that he/she and the rest of the group followed his friend to the paved road. Material Witness stated that his/her friend advised him/her to get into the vehicle once it parks on the side of the road. Material Witness stated that when he got in the vehicle, the passenger described as a white male told one of the subjects in English to lay down on the back seat and they all did the same. Material Witness stated that he/she also observed the female driver. Material Witness was able to identify Jordan Rochelle Janov as the driver and Tyler Philip Horkey as the passenger of the vehicle. Material Witness stated that the vehicle drove approximately 20 minutes until they were stopped by a Border Patrol Agent.

Continuation of Statutory Language:



Signature of Judicial Officer

Gregory B. Wormuth



Signature of Complainant

Fernandez, Francisco

Filing Agent